

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

CARLOS ARMENTA, #743688	§	
VS.	§	CIVIL ACTION NO. 5:04cv285
REGINALD STANLEY, ET AL.	§	

ORDER OF DISMISSAL

Plaintiff Carlos Armenta, an inmate confined at the Telford Unit of the Texas prison system, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge Caroline M. Craven, who issued a Report and Recommendation concluding that the complaint should be dismissed. The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Plaintiff are without merit.

The Plaintiff complains about the medical care he received after he was assaulted by four inmates on January 27, 2004. The facts as alleged and developed in the *Martinez* Report¹ reveal that medical personnel were responsive to his medical needs, performed multiple tests in evaluating his condition and provided treatment as deemed appropriate. The facts as alleged and developed do not support an inference that the Defendants knew of and disregarded an excessive risk to the Plaintiff's


¹See *Martinez v. Aaron*, 570 F.2d 317 (10th Cir. 1978); *Norton v. Dimanza*, 122 F.3d 286 (5th Cir. 1997).

health, as required by the Supreme Court in order to proceed on a deliberate indifference claim. *See Farmer v. Brennan*, 511 U.S. 825, 837 (1994). The Plaintiff's belief that the medical care provided was inadequate does not support a deliberate indifference claim. *Estelle v. Gamble*, 429 U.S. 97, 107 (1976); *Johnson v. Treen*, 759 F.2d 1236, 1244 (5th Cir. 1985). Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the cause of action is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). It is further

ORDERED that all motions not previously ruled on are **DENIED**.

SIGNED this 31st day of May, 2005.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE